

342.120 Division of Workers' Compensation Funds -- Fund's liability for claims occurring after December 12, 1996 -- Payment of settlements for income benefits -- Transfer of responsibilities from division to Kentucky Employers' Mutual Insurance Authority.

- (1) There is created the Division of Workers' Compensation Funds in the Department of Workers' Claims which shall be responsible for the administration of the special fund and the coal workers' pneumoconiosis fund and the maintenance of records regarding the payment of claims by these funds. The Division of Workers' Compensation Funds shall have no responsibility for the coal workers' pneumoconiosis fund once the assets and liabilities have been transferred to the Kentucky Employers' Mutual Insurance Authority, which will administer the fund pursuant to KRS 342.1243. The Division of Workers' Compensation Funds shall be headed by a director appointed by the secretary of the Education and Labor Cabinet, with the prior written approval of the Governor pursuant to KRS 12.050. The director shall be responsible for overseeing the administration of the funds and the maintenance of records regarding the payment of claims by the funds.
- (2) The special fund shall have no liability upon any claim in which the injury occurred, or for cumulative trauma, the disability became manifest, or, for occupational disease, if the date of injury or last exposure occurred, after December 12, 1996.
- (3) Where the employer has settled its liability for income benefits and thereafter a determination has been made of the special fund's liability, the special fund portion of the benefit rate shall be paid over the maximum period provided for by statute for that disability, with the period of payment beginning on the date settlement was approved by an administrative law judge. This provision is remedial and shall apply to all pending and future claims.

Effective: July 1, 2022

History: Amended 2022 Ky. Acts ch. 236, sec. 152, effective July 1, 2022. -- Amended 2017 Ky. Acts ch. 82, sec. 5, effective June 29, 2017; and ch. 173, sec. 10, effective April 10, 2017. -- Amended 2010 Ky. Acts ch. 24, sec. 1786, effective July 15, 2010. -- Amended 2002 Ky. Acts ch. 246, sec. 1, effective July 15, 2002. -- Amended 2000 Ky. Acts ch. 514, sec. 6, effective July 14, 2000. -- Amended 1996 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 3, effective December 12, 1996. -- Amended 1994 Ky. Acts ch. 181, Part 9, sec. 31, effective April 4, 1994. -- Amended 1990 Ky. Acts ch. 67, sec. 1, effective July 13, 1990; and ch. 390, sec. 1, effective July 13, 1990. -- Amended 1987 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 9, effective January 4, 1988. -- Amended 1984 Ky. Acts ch. 414, sec. 34, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 278, sec. 17, effective July 15, 1982. -- Amended 1980 Ky. Acts ch. 104, sec. 3, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 256, sec. 1, effective June 17, 1978. -- Amended 1972 Ky. Acts ch. 78, sec. 17. -- Amended 1964 Ky. Acts ch. 192, sec. 11. -- Amended 1962 Ky. Acts ch. 276, sec. 1. -- Amended 1960 Ky. Acts ch. 147, sec. 9. -- Amended 1948 Ky. Acts ch. 64, sec. 12. -- Amended 1946 Ky. Acts ch. 23, sec. 1. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4901.